



Water Quality NewsFlash

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SIP II – SWRCB to begin developing stormwater policy in early 2005 – As discussed in *NewsFlash 04-43*, the *State Implementation Policy* or SIP describes how the state uses the water quality criteria (objectives) for toxic pollutants in writing NPDES permits. It was formally known as the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* and does not apply to stormwater. A separate policy – SIP II – will address stormwater. The State Board currently plans to hold listening sessions beginning in January as the first step in developing SIP II. Issues up for consideration include the definitions of MEP and BCT/BAT. MEP – “maximum extent practicable” pollutant removal – is the performance standard that applies to municipal and Caltrans roadway stormwater runoff. BCT/BAT is the performance standard for construction site runoff and stands for “*best conventional pollutant control technology*” and “*best available technology economically achievable*.” There is perhaps a partial consensus of what these terms mean for stormwater, however, differences exist from Regional Board to Regional Board. Additionally, these standards have evolved over time. For example, post-construction treatment controls (e.g., the *Standard Urban Stormwater Mitigation Plans* or “SUSMPs”) have now become a standard part of MEP requirements in California municipal stormwater permits.

In addition to complying with MEP and BCT/BAT performance standards, stormwater discharges in California are prohibited from causing an exceedance of water quality standards, which are specified in the Basin Plans, Ocean Plan, and “California Toxics Rule” (CTR). What “exceedance” means in the context of stormwater discharges has not been defined by either the U.S. EPA or the State Board. This is a difficult issue and may not be addressed in this initial SIP II document. A related issue concerns discharges to “effluent dependent waters” (EDW). EDW’s are waterways which flow only during wet weather or which contain significant amounts of storm water. The current (non-stormwater) SIP is posted at <http://www.swrcb.ca.gov/iswp/index.html>

Bacteria Standards – EPA rule sets California objectives – The U.S. EPA publishes *water quality criteria* for various pollutants. States then use these federal criteria in setting their own criteria (which are a component of the water quality standards, and are called *objectives* in California). The states’ criteria generally must be at least as restrictive as EPA’s. As discussed in *NewsFlash 04-28*, EPA proposed a regulation establishing certain bacteria standards for California, since the state had been unable to establish its own standards comparable to EPA’s criteria.

EPA has now issued a final regulation (“rule”) specifying these standards. For California, this means that new *enterococcus* objectives have been added to the existing standards (except for the LA Region where they are already in effect). EPA did leave the states some flexibility in how they use the results from the “single sample maximum” criteria for purposes of 303(d) listings of impaired waters and discharge permit compliance. The impact of this EPA action is dependent on how the State decides to apply the new criteria. If applied strictly, it could result in more beaches being listed as “impaired.” <http://www.epa.gov/waterscience/beaches/final-bacteria-rule-pre-pub.pdf>

WQ NewsFlash is a weekly update of storm water and related news for the Department. *Verify information before taking action on these bulletins.* Contact Betty Sanchez, Betty_Sanchez@dot.ca.gov (916) 653-2115, or Fred Krieger, (510) 843-7889, fkrieger@msn.com with questions or to be added or deleted from e-mail list. Posted online at: <http://www.dot.ca.gov/hq/env/stormwater/publicat/newsflash/index.htm>